

REGULATIONS THAT APPLY TO PRIVATE BUSES

This document is intended to clarify the regulations that apply to buses operated by churches, youth groups, non-profit organizations, and other operations that do not transport passengers for hire. These statutes also apply to a school bus that is used under contract with a non-profit organization, as permitted in Section 257.1865 and 1867.

This document only addresses private transportation. If the operation charges a fee for transportation, even if the transportation cost is incorporated into some other fee, then it is a for-hire operation. The Michigan Department of Transportation (MDOT) regulates for-hire operations under Act 432 of 1982, the Motor Bus Transportation Act. Contact the MDOT at 517-335-2565, or www.michigan.gov/mdot for more information about for-hire passenger transportation.

The Michigan State Police Motor Carrier Division (517-336-6195 or www.michigan.gov/msp) enforces all state statutes related to commercial vehicles, both trucks and buses.

Resources

Copies of specific Michigan statutes may be obtained at www.michiganlegislature.org.

The Michigan Center for Truck Safety (MCTS; 800-682-4682 or www.truckingsafety.org) can provide free information and free training on the Federal Motor Carrier Safety Regulations (FMCSR) that apply to buses or trucks.

The USDOT Federal Motor Carrier Safety Administration (FMCSA; 202-366-1790 or www.fmcsa.dot.gov) maintains the Federal Motor Carrier Safety Regulations (FMCSR), which apply to buses and trucks. The FMCSR are available free of charge on the FMCSA web site.

The Michigan Trucking Association (MTA; 517-321-1951) offers publications and resources related to truck and bus regulations.

Definition of “Bus”

The definition of the term “bus” varies by the act of law. There are several different acts of law that apply to private buses. In this document, the definition is addressed where applicable.

Color of Buses

Only a school bus (used to transport pupils to or from a public or private school) can be the traditional black and yellow school bus colors. Any other bus may not

be painted, in whole or in part, the colors and design of a school bus (257.1833(2)). There is an exception in the statute that allows school buses to be used for seasonal agricultural operations (e.g., corn de-tasseling) without changing the color of the bus.

Used School Buses

Many individuals, groups, and churches purchase used school buses for their operations. After purchase, the entire vehicle must be repainted, regardless of how the vehicle is to be used. Just changing the name or other cosmetic changes on a used school bus is not sufficient.

In addition, all the overhead yellow and/or red four-way lights and stop arms must be removed or permanently covered. These devices are considered traffic control devices, and their presence and/or use on vehicles other than school buses is illegal.

Commercial Drivers License (CDL)

Any vehicle that is designed to transport 16 or more passengers, including the driver, must have a CDL, including a passenger endorsement (257.312e). It does not matter how many passengers are actually transported. Removing seats does not change the original design capacity, which is what the CDL is based upon.

Any vehicle that is required to have a CDL is also required to be in a federal drug and alcohol testing program (Title 49, Code of Federal Regulations, Parts 40 and 382). Contact the USDOT FMCSA or the Michigan Trucking Association for more information about drug and alcohol testing.

Both the CDL law and the drug and alcohol regulations apply to governmental vehicles, non-profit organizations, youth groups, churches, etc.

Federal Motor Carrier Safety Regulations (FMCSR)

Michigan has adopted the FMCSR into state law at 480.11a, so the FMCSR apply to both intrastate and interstate transportation.

The FMCSR applies to any commercial motor vehicle (49 CFR 390.5) that:

- Has an actual gross weight or a manufacturer's gross weight rating in excess of 10,000 lbs. or transports hazardous materials in an amount that requires placarding;
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- Is designed or used to transport more than 8 passengers, including the driver, for compensation.

The FMCSR include requirements for:

- Insurance (49 CFR Part 387)
- Vehicle identification (marking; 49 CFR 391.21)
- Medical exams and certificates (49 CFR Part 391).
- Other driver qualifications, such as age and driving record (49 CFR Part 391).
- Driver qualification (49 CFR Part 391) and vehicle maintenance files (49 CFR Part 396).
- Vehicle equipment requirements (49 CFR Part 393).
- Operation of vehicles (49 CFR Part 392).
- Hours of service (log books; 49 CFR Part 395).
- Annual vehicle inspections (49 CFR Part 396).

Governmental Vehicles (except school buses)

While the FMCSR exempts governmental vehicles, Michigan requires (480.13) government vehicles to comply with the following parts of the FMCSR:

- Part 391, Driver Qualifications
- Part 392, Driving of Vehicles
- Part 393, Vehicle Equipment Standards

Governmental vehicles do not have to comply with hours of service or annual vehicle inspection regulations.

Private Motor Carriers of Passengers (PMCP)

The FMCSR also separate private bus transportation into two groups: Private Motor Carriers of Passengers, Business and Private Motor Carriers of Passengers, Non-Business.

PMCP, Business

This is an operation where a private company is transporting passengers in the furtherance of a business, but is not transporting passengers for hire. One example is a manufacturing company that is transporting its own employees.

Generally, Business PMCP operations must comply with all of the FMCSR, except for Part 387 (Insurance) and portions of Part 391 (Driver Qualifications, see 49 CFR 391.69).

PMCP, Non-Business

This is an operation where a private entity is transporting passengers, but it is not in the furtherance of a business, and is not transporting passengers for hire. Churches, non-profit organizations, youth groups, scout groups, etc. all fall into this category. This category also applies to non-profit groups that contract with a school to use school buses for transportation.

Non-Business PMCP operations must comply with all of the FMCSR except:

- The requirement to be 21 years old (49 CFR 391.68).
- The requirement to submit an annual list of traffic violations (49 CFR 391.68).
- The requirement to complete a road test (49 CFR 391.68).
- The regulations related to background investigations and previous employer inquiries (49 CFR 391.68).
- The requirements of 49 CFR 391.41 and 45 related to the medical examination and the medical certificate (49 CFR 391.68).
- The regulations relating to maintaining driver files and records (49 CFR 391.68).
- Insurance requirements (49 CFR Part 387).
- The requirements to maintain a record of hours of service (log book), but they must comply with the hours of service limitations (49 CFR 395.8(a)).
- The requirement to complete a daily driver vehicle inspection report (49 CFR 396.11(d)).

Exemptions

Effective November 10, 2003, Section 390.3(6) is amended to exempt the following operations from the Federal Motor Carrier Safety Regulations:

- Commercial motor vehicles designed or used to transport between 9-15 passengers, not for direct compensation, provided the vehicle does not meet any other provision of the definition of commercial motor vehicle (e.g., have an actual or rated gross weight over 10,000 lbs.).
- Commercial motor vehicles designed or used to transport between 9-15 passengers, for direct compensation, provided:
 - The vehicle is operated within a 75-mile radius of the driver's normal work reporting location; and
 - The vehicle does not meet any other provision of the definition of commercial motor vehicle (e.g., have an actual or rated gross weight over 10,000 lbs.).
 - Even if operated under these provisions, the vehicle must obtain and display a USDOT number (for interstate commerce only).

Direct compensation (Section 390.5) is defined to mean a payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services.

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